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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KNOBBE MARTENS OLSON & BEAR LLP			LIEU, JULIE BICHNGOC	
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IRVINE, CA 92614			2636	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,372	Applicant(s) ELLEDGE, DENNIS D.	
	Examiner Julie Lieu	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/2704.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's response filed December 27, 2004.

Claims 37, 41, 42, 48 and 50-51 and 53-54 have been amended.

The terminal disclaimer has been approved.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. Claims 2-7, 10-24, 45-48, 50, and 52-53 are again rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al. (US Patent No. 6,025,780).

Claim 2:

Bowers et al. discloses a method for identifying a lost or stolen device, the method comprising:

- a. Storing a secure database data associated with stolen devices (fig. 4)
- b. Receiving identification information of detected devices using at least one reader 28
- c. Comparing information received by the at least one reader with the data stored in the secure database. Col 11, last paragraph to col. 13, first paragraph.

Claim 3:

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The method disclosed in Bowers additionally comprising receiving from a central database the data associated with the plurality of lost or stolen devices.

Claim 4:

The information received by the at least one reader is transmitted by each of the detected devices in response to receiving a signal from the reader.

Claim 5:

The receiving identifying information of detected devices in Bowers comprises receiving a signal from a radio frequency identification (RFID) tag associated with each detected device.

Claim 6:

The RFID tag in Bowers comprises a passive RFID tag.

Claim 7:

In Bowers, the act of receiving identifying information is performed in a public place.

Claim 10:

The method disclosed by Bowers comprises sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen devices.

Claim 11:

The act of sending the alarm signal in Bowers comprises producing an audible tone.

Claim 12:

The act of sending the alarm signal Bowers comprises activating an indicator on a display screen (inherent).

Claim 13:

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Bowers discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a secure database 200 that is configured to store data associated with a plurality of lost or stolen devices,
- b. a processor 30 that is configured to receive from at least one reader identifying information regarding detected devices, wherein the processor is further configured to compare the identifying information with the data stored in the secure database.

Claim 14:

The apparatus in Bowers further comprises an alarm that is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Col 11, last paragraph to col. 13, first paragraph.

Claim 15:

The secure database in Bowers is configured to receive the data associated with the plurality of lost or stolen devices from a central database.

Claim 16:

The at least one reader 26 is configured to receive identifying information from a radio frequency identification (RFID) tag 10.

Claim 17:

The apparatus in Bowers comprises:

- a. a transceiver 10, coupled to a device, the transceiver configured to transmit identifying information

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- b. a first secure database configured to store data associated with lost or stolen devices and configured to prevent unauthorized access to the data stored therein, and
- c. a plurality of check out points (store entrances) comprising:
 - a. a reader (fig. 2)
 - b. a processor 30 configured to compare to compare the identifying information with the data stored in the secure database, wherein the processor is configured to generate a signal if the identifying information matches at least some of the stored data. Col 11, last paragraph to col. 13, first paragraph.

Claim 18:

The Bowers apparatus comprises an alarm that is configured to receive the signal from the processor.

Claim 19:

The alarm in Bowers is configured to produce an audible tone. Col. 12, lines 29.

Claim 20:

The alarm in Bowers inherently comprises an indicator on a display screen. Col. 12, lines 3-32.

Claim 21:

The transceiver 10 transmits the identifying information in response to receiving a signal from the reader.

Claim 22:

The transceiver comprises a radio frequency identification (RFID) tag 10.

Claim 23:

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The RFID tag comprises a passive RFID tag. Col. 4, line 63.

Claim 24:

At least one of the plurality of checkpoints disclosed in Bowers is located in a public place (stores).

Claim 45:

Bowers discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a transmitter 10, configured to transmit identification information associated with a device
- b. a receiver 26 configured to receive the identification information, and
- c. a processor 30 configured to receive the identification information from the receiver, the processor having a first secure database for storing data associated with a plurality of lost or stolen devices, wherein the processor is configured to compare the identification information with the stored data.

Claim 46:

The processor 30 is further configured to generate an alarm if the information matches at least some of the stored data.

Claim 47:

The identification information used on each device in Bowers comprises a serial number associated with the device. Col. 13, line 47.

Claim 48:

Bowers discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a transmitter RFID tag 10, associated with a device, configured to transmit identification information
- b. a first receiver (RFID reader at store exit) configured to receive the transmitted identification information when the transmitter is within a defined distance from the receiver,
- c. a first processor (central processor) having a first secured database configured to store data associated with a plurality of Lost or stolen devices
- d. a second processor (each store processor) configured to receive the identification information from the first receiver, the second processor having a second database configured to receive at least a portion of the stored data from the first database and configured to compare the received portion of the stored data with the identification information received from the first receiver.

Col. 5, lines 5-10 and col. 13, last paragraph to col. 14, first paragraph.

Claim 50:

The first processor in Bowers is inherently configured to update the data associated with the plurality of lost or stolen devices stored in the first secure database (i.e. the monitored items).

Claim 52:

The second processor (a store processor of a first store) is configured to generate an alarm if the identification information matches at least a portion of the stored data.

Claim 53:

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Bowers further discloses

- a. a second receiver (RFID reader in a second store) configured to receive the transmitted identification information when the transmitter is within a defined distance from the second receiver
 - b. a third processor (a store processor in a second store) configured to receive the identification information from the second receiver, the third processor having a third database configured to receive at least a portion of the stored data from the first secure database and configured to compare the received portion of the stored data with the identification information received from the second receiver.
2. Claims 27-29, 31, 34, and 37-44 are again rejected under 35 U.S.C. 102(e) as being anticipated by Mish (US Patent No. 6,025,780).

Claim 27:

Mish discloses a system and method for locating a lost or stolen device, the method comprising:

- a. receiving a report of a lost or stolen device
- b. storing data associated with the report of the lost or stolen device into a secure database (col. 5, lines 5-10)
- c. receiving with at least one reader (inherent) unique identifying information of detected device 29 ; and
- d. comparing the identifying information received by the at least one reader

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with the data stored in the secure database associated with the report of the lost or stolen device into a secure database (col. 5, lines 5-10).

Claim 28:

The identifying information is transmitted by each detected device in response to receiving a signal from the reader.

Claim 29:

The method of receiving identifying information of detected devices comprises receiving a signal from a radio frequency identification (RFID 28) associated with each detected device.

Claim 31:

The reader in Mish is located at a toll booth, which is a public place.

Claim 34:

The method in Mish additionally comprises sending an alarm signal when the identifying information corresponds to the data associated with the report of the lost or stolen device. Col. 4, lines 5-10.

Claim 37:

Mish discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. means for receiving a report of a lost or stolen device
- b. secure means for storing data associated with the report of the lost or stolen device

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- c. means for receiving identifying information of detected devices, and means for comparing the identifying information with the data associated with the report of the lost or stolen device.

Col. 5, lines 5-10

Claim 38:

The apparatus in Mish comprises means for sending an alarm signal (inherent) when the identifying information corresponds to at least a portion of the data associated with the report of a lost or stolen device.

Claim 39:

The means for storing data in Mish comprises a secure database.

Claim 40:

The means for receiving identifying information comprises a radio frequency identification (RFID) reader.

Claim 41:

Mish discloses n apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a processor (inherent) configured to receive a report of a lost or stolen device and configured to store in a secure database data associated with the report,
- b. wherein the processor is configured to receive identifying information from a plurality of readers,

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- c. wherein each reader is located at a checkpoint and configured to receive the identifying information transmitted by a transceiver 28 when a detected device associated with the transceiver is within a defined distance from the reader, and
- d. wherein the processor is configured to send a signal to an alarm (inherent) if the identifying information matches at least some of the stored data associated with the report of the lost or stolen device.

Col. 5, lines 5-10

Claim 42:

The database in Mish is inherently configured to prevent unauthorized access to the data stored therein.

Claim 43:

The alarm in Mish is configured to notify personnel at least one checkpoint, which is at a toll booth.

Claim 44:

The data associated with the report of the lost or stolen device comprises identifying information for a radio frequency identification (RFID) tag 28.

- 3. Claim 8, 9, 25, 26, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. (US Patent No. 6,025,780).

Claim 8, 25:

The public place in Bowers is a store. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring

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of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claims 9, 26:

Though not clearly discussed whether the tagged item in Bowers comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 54:

Bowers discloses method of identifying lost or stolen items, the method comprising:

- a. receiving with a receiver information transmitted by a radio frequency identification (RFID) device associated with an item;
- b. storing data associated with lost or stolen items in a first secure database (at central processor),
- c. comparing the information received with the receiver with the data stored in the second database.

The reference fails to disclose updating a second database (in a store processor) with at least a portion of the data stored in the first database, the second database being in communication with the receiver. However, it would have been obvious to one skilled in the art that the database in the central computer would be updated since merchandise is added to the stores, and as a result the data base in each store would also be updated in order to track store items.

Claim 55:

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The system in Bowers additionally comprising generating an alarm if the information received with the receiver matches at least a portion of the stored data.

Claim 56:

The RFID device 10 comprises a memory configured to store said information.

4. Claim 30, 32, 33, 35, 36, 49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mish (US Patent No. 6,025,780).

Claim 30:

It is not clear whether the RFID tag comprises a passive RFID tag. However, the use of passive RFID tag is conventional in the art and widely since it is energy efficient. Thus, one skilled in the art would have used passive RFID in Mish's for the same reason.

Claim 32:

The public place in Mish is not an airline terminal. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 33:

The identifying information in Mish is not associated with a laptop computer. However, it would have been obvious to one skilled in the art to use the RFID in Mish on any device wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claims 35 and 36:

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Though it is not clearly stated in Mish that the act of sending the alarm signal comprises producing an audible tone, one skilled in the art would have readily recognized using audible alarm or activating an indicator on the display screen in the toll booth computer in Mish's system to alert the operator that the detected vehicle matches a stolen vehicle whose information is stored in the reported lost database.

Claim 49:

The distance between the transceiver and receiver in Mish is not approximately six feet. Nonetheless, this is a reasonable distance used in toll system.

Claim 51:

Though not clearly stated, one of ordinary skilled in the art would have readily recognized that the second processor is configured to periodically update the second database with at least a portion of the updated data stored in the first secure database because it is not necessary to spot found vehicle.

Applicant's Remarks

3. Applicant's arguments:

Applicant has argued that, with respect to the independent claims, neither Bowers nor Mish teaches a secure database.

Response to Applicant's Remarks

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4. Applicant's arguments filed 12/27/04 have been fully considered but they are not persuasive.

It is submitted that though the references do not expressly and explicitly state that the database is secure; however, it would have been obvious to one skilled in the art that this feature would be inherent because the data in the system will not be accessible by outside people and only personnel who work there would have access to this database. In addition, though "secure data" limitation appears in the claims of the specification of the present invention, there is no discussion or disclosure regarding this feature in the body of the specification. Therefore, it would be construed to be equivalent to any other means as "secure" database.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2636

May 13, 05